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09/596,070	06/16/2000	Natalie S. Glance	D/A0469	2941

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EXAMINER

NGUYEN, CAM LINH T

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/596,070

Applicant(s)

GLANCE, NATALIE S.

Examiner

Cam-Linh T. Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 – 2, 9 – 10, 13 – 15, 20, are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander S. Tuzhilin (U.S. 6,236,978).

♦ As per claim 1, 10, 13, 15,

- “Providing an item of a particular type to a device having an application for engaging a repetitive with item” See column 10 line 63 - column 11 line 5. “An item of a particular type” corresponds to a “particular beer or perfumes”.
- “Engaging in a repetitive user activity with items of a particular type” corresponds to activity of user when visits a particular Web site for a same content (Col. 14 line 21 – 31). It is understand that “same content” can be any particular type of items. The amount of time that user spent at each site also recorded (Col. 11 line

Art Unit: 2171

27 – 29). It clearly shows “a repetitive user activity with item of a particular type”

by going to a web site for a same content each time visits the web site.

- Fig. 6c is a remote unit where the user transaction collection and recording unit is stored on the client side (Col. 12 line 39 – 42). This remote unit is considered as a “standalone operation” unit.
- “Generating a history of user interaction with the provided item” See Fig. 6a element 115, column 10 line 63 – column 11 line 52.
- “Transforming the history into an implicit rating of the provided item” See Fig. 6a element 140, column 11 line 42 – 52.
- “Using the implicit rating of the provided item to generate recommendations of other items” See Fig. 6a element 145, column 11 line 53 – column 12 line 3.

♦ As per claim 2, 20,

- “The device is selected from the group consisting of a personal digital assistant, an audio player, and an electronic document viewer” See column 13 line 8 – 37.

♦ As per claim 9, 14,

- “ Providing a user profile” See Fig. 1 and 2, column 3 line 30 – 50, column 12 line 60 – 65.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2171

2. Claims 3 – 8, 11- 12, 16 – 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander S. Tuzhilin (U.S. 6,236,978).

♦ As per claim 3, 5, 8, 16 – 19,

Tuzhilin does not clearly disclose the limitation of “recency and frequency of interaction”. However, referring to column 10 line 63 – column 11line 29, where Tuzhilin teaches that the Recording Unit records all the transactions performed by the users, and transfers this data to Purchasing History Storage Unit to generate user profile. The user profile also includes the time and types of items that user purchased (See column 4 line 5 – 10). As the result of this action, the user profile must be able to generate the “recency and frequency of interaction data pertaining to the provided item”. Therefore, it is clear that the claimed provision is inherent. Nonetheless, to expedite prosecution, even if the limitation of the above were not inherent, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include such a steps in order to generate a more accuracy recommendation to the users.

♦ As per claim 4, 6 - 7

Referring to Fig. 3 – 5, where Tuzhilin teaches about how to generate the dynamic profile construction procedure that includes individual rules (column 5 line 1 – column 10 line 45), and the Estimated Purchasing Need Module with match these rules that includes the types and time of items to be purchased, with the user’s purchasing history (See column 11 line 47 – 53). Therefore, it is clear that the claimed provision is inherent. Nonetheless, to expedite prosecution, even if the limitation of the above were

Art Unit: 2171

not inherent, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include such a steps in order to rating an item.

♦ As per claim 11 - 12,

Claims 11- 12 are rejected using the same method as claims 2. It would have been obvious to one with ordinary skill in the art at the time the invention was made to have a audio player in order to listen to a music tracks, or having an electronic book viewers in order to view an electronic book.

### ***Response to Arguments***

1. Applicant's arguments filed 10/10/2002 have been fully considered but they are not persuasive.

Applicant stated that Tuzhilin's reference fails to teach "repetitive user activity" with provided items, "primary during standalone operation of the device". Examiner disagrees. Tuzhilin not only teaches a record transaction, but also record user activity on a particular item or content when the user visits a web site (Col. 14 line 21 – 31). The action of how often a user purchases an item also recorded. If the "same content" is a particular item" and the system recorded it every time the user visits the web site, it is recording "repetitive user activity". The recording unit can be implemented at a server site as in Fig. 6a or it can be remote as in Fig. 6c. When a user activity occurs, it is recorded in the client side, therefore, it is considered as a "standalone operation of the device".

### ***Conclusion***

Art Unit: 2171

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Linh T. Nguyen whose telephone number is 703-305- 1951. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308- 1436. The fax phone number for the organization where this application or proceeding is assigned is 703- 746- 7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703- 305- 3900.

Cam-Linh Nguyen  
Art Unit 2171



**SAFET METJAHIC**  
**SUPERVISORY PATENT EXAMINER**  
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